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Attorneys for the Defendant,  
Zurich American Insurance Company

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

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MOSES GREENFIELD and RAJIV SETHI,

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE  
COMPANY,

Defendant.

**NOTICE OF MOTION**

10 CV 4514 (DLI)(RML)

Oral Argument Requested

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TO: Bronstein, Gewirtz & Grossman, LLC  
60 East 42nd Street  
New York, NY 10165

COUNSEL:


**PLEASE TAKE NOTICE** that, on December 2, 2010, defendant, Zurich American Insurance Co. ("Zurich"), will move this Court before the Honorable Dora L. Irizarry, at the United States District Court for the Eastern District of New York, located at the U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, for an Order pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss the plaintiffs' complaint based on the lack of subject matter jurisdiction, and for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, in support of its motion, Zurich will rely on the Affidavit of Jeffrey Winn, Affidavit of Vincent Vitiello, Memorandum of Law, and supporting exhibits.

**PLEASE TAKE FURTHER NOTICE** that, opposition papers must be served by hand or e-mail by November 29, 2010.

Dated: November 17, 2010

SEDGWICK, DETERT, MORAN & ARNOLD LLP  
Attorneys for Defendant  
ZURICH AMERICAN INSURANCE COMPANY

By:   
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Jeffrey Winn, Esq. (JW-6071)  
Dirk Haarhoff, Esq. (DH-1310)

**CERTIFICATION**

I hereby certify that on November 17, 2010, a true and correct copy of the attached **NOTICE OF MOTION TO DISMISS BASED ON THE LACK OF SUBJECT MATTER JURISDICTION, INCLUDING THE AFFIDAVIT OF VINCENT VITIELLO, AFFIDAVIT OF JEFFREY WINN, MEMORANDUM OF LAW AND SUPPORTING EXHIBITS**, was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: November 17, 2010

s/\_\_\_\_\_  
Dirk C. Haarhoff (DH-1310)